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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,718	05/24/2004	Ling-Yi Liu	IFTP0003USA	3717
27765 7590 04/16/2007 NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION P.O. BOX 506 MERRIFIELD, VA 22116			EXAMINER UNELUS, ERNEST	
			ART UNIT 2181	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			NOTIFICATION DATE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary	Application No.	Applicant(s)	
	10/709,718	LIU ET AL.	
	Examiner	Art Unit	
	Ernest Unelus	2181	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-94 is/are pending in the application.
- 4a) Of the above claim(s) 45-82 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 and 83-94 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of invention I, claims 1-44 and 83-94, in the reply filed on February 06, 2007, is acknowledged.
2. The instant application having application No. 10/709,718 has a total of 94 claims. Invention II, claims 45-82 have been withdrawn from consideration and claims 1-44 and 83-94 are now pending in the application; within claims 1-44 and 83-94, there are 4 independent claims and 51 dependent claims, all of which are ready for examination by the examiner.

I. INFORMATION CONCERNING OATH/DECLARATION

Oath/Declaration

- 1a. The applicant's oath/declaration has been reviewed by the examiner and is found to conform to the requirements prescribed in 37 C.F.R. 1.63.

II. INFORMATION CONCERNING DRAWINGS

Drawings

- 1b. The applicant's drawings submitted are acceptable for examination purposes.

III. OBJECTIONS TO THE CLAIM

- 1c. **Claim 17** is objected to because of the following informalities: the abbreviations "LUN" is not clearly disclose in the applicant's specification. Applicant does not stated what "LUN" stands for. The examiner is assume the abbreviations "LUN" as 'logical unit number'

IV. REJECTIONS BASED ON PRIOR ART

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. **Claims 1-44 and 83-94** are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-53 and 78-95 of copending application No. 10/707,871 in view of Bicknell et al. (US pub. 2003/0193776).

3. Initially, it should be noted that the present application and Application No. 10/707,871, share one common inventor, which is Michael Schnapp. The assignee for both applications is Infortrend Technology, Inc.

4. Claimed subject matter in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common

Art Unit: 2181

subject matter, as noted below. *See In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993).*

5. Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See MPEP § 804.

6. Claim 1 is compared to claim 1 of application 10/707,871 in the following table:

Instant Application	Application 10/707,871
<p>(claim 1) A computer system comprising:</p> <p>a host entity for issuing IO requests;</p> <p>an external JBOD emulation controller coupled to the host entity for emulating IO operations in response to the IO requests;</p> <p>and a set of at least one physical storage device coupled to the JBOD emulation controller each through a point-to-point serial-signal interconnect for providing storage to the computer system through the JBOD emulation controller,</p> <p>wherein said JBOD emulation controller is capable of defining at least one logical media unit (LMU) comprising sections of at least one of the physical storage devices and bringing the LMU on line or taking the LMU off line while the JBOD emulation controller is on line. (claim 1)</p>	<p>(claim 1) A storage virtualization computer system comprising:</p> <p>a host entity for issuing IO requests;</p> <p>an external storage virtualization controller coupled to said host entity for executing IO operations in response to said IO requests;</p> <p>and at least one physical storage device(PSD), each coupled to the storage virtualization controller through a point-to-point serial-signal interconnect, for providing storage to the storage virtualization computer system through the storage virtualization controller</p>

Claim 1 from the instant applicant doesn't specifically disclose said JBOD emulation controller is capable of defining at least one logical media unit (LMU) comprising sections of at least one of the physical storage devices and bringing the LMU on line or taking the LMU off line while the JBOD emulation controller is on line.

Bicknell et al. (US pub. 2003/0193776), discloses wherein said JBOD emulation controller(**controller 1 of fig. 6**) is capable of defining at least one logical media unit (LMU) (**the data interface 144 of fig. 6**) comprising sections of at least one of the physical storage devices (**see fig. 3 or 6, which discloses the interface as part of the disc drives**) and bringing the LMU on line or taking the LMU off line while the JBOD emulation controller is on line (**see paragraph 0019, which discloses "Disc drive 106 can preferably be removed without disturbing the operation of subsystem 100"; therefore, when the disc drive does off line, since the interface is part of it, it will also goes off line**).

Application number 10/709,718 and Bicknell are analogous art because they are from the same field of endeavor of peripheral storage.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the computer system as taught by the instant application to include a disc storage subsystem that allows continued access to data stored in its Advanced Technology Architecture (ATA) disc drives in the event of a controller failure as described by Bicknell. The motivation for doing so would have been because Bicknell teaches that **"In such architectures, the subsystem includes one or more additional disc drives storing redundant data. Thus, in the event of a disc drive failure the data is safely maintained by the other disc drives"** (see paragraph 0005).

Art Unit: 2181

Therefore, it would have been obvious to combine Bicknell et al. (US pub. 2003/0193776) with Applicant number 10/709,718 for the benefit of creating the computer system to obtain the invention as specified in claim 1.

This is a provisional double patenting rejection since the conflicting claims have not yet been patented. The double patenting rejection is also applicable to other claims in the application; **for example**;

Constant Application	Application 10/707,871
(claim 2) The computer system of claim 1 wherein the point-to-point serial-signal interconnect is a Serial ATA IO device interconnect.	(claim 2) The storage virtualization computer system of claim 1 wherein said point-to-point serial-signal interconnect is a Serial ATA IO device interconnect.
<p>(claim 4) The computer system of one of claims 1 through 3</p> <p>wherein said external JBOD emulation controller comprises</p> <p>a central processing circuitry for performing IO operations in response to said IO requests of said host entity;</p> <p>at least one IO device interconnect controller coupled to said central processing circuitry;</p> <p>at least one host-side IO device interconnect port provided in a said at least one IO device interconnect controller for coupling to said host entity; and at least one device-side IO device interconnect port provided in a said at least one IO device interconnect controller for coupling to a said at least one physical storage device.</p>	<p>(claim 9) The storage virtualization computer system of one of claims 1 and 2</p> <p>wherein said storage virtualization controller comprises:</p> <p>a central processing circuitry for performing IO operations in response to said IO requests of said host entity;</p> <p>at least one IO device interconnect controller coupled to said central processing circuitry;</p> <p>at least one host-side i0 device interconnect port provided in a said at least one IO device interconnect controller for coupling to said host entity; and at least one device-side IO device interconnect port provided in a said at least one IO device interconnect controller for coupling to a said at least one physical storage device.</p>

And many others

V. REJECTIONS BASED ON PRIOR ART

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1, 2, 4-9, 11-17, 24-29, 31-35, 38-40, 44, 83, 84, and 86-93**, are rejected under 35 U.S.C. 102(e) as being anticipated by Bicknell et al. (US pub. 2003/0193776).

3. As per **claims 1, 8, and 11**, Bicknell discloses “A computer system (**system 100 of fig. 6**) comprising: a host entity (**Host computer of fig. 6**) for issuing IO requests; an external JBOD emulation controller (**controller 1**) coupled to the host entity for emulating IO operations in response to the IO requests (**see fig. 6 and paragraph 0029**) (**see paragraph 0017 for emulation**); and a set of at least one physical storage device (**Disc drive 106.1 of fig. 6**) coupled to the JBOD emulation controller each through a point-to-point serial-signal interconnect (**see fig. 6 and paragraph 0019**) for providing storage to the computer system through the JBOD emulation controller (**see paragraph 0027**), wherein said JBOD emulation controller is capable of defining at least one logical media unit (LMU) (**the data interface 144 of fig. 6**) comprising sections of at least one of the physical storage devices (**see fig. 3 or 6, which discloses the**

Art Unit: 2181

interface as part of the disc drives) and bringing the LMU on line or taking the LMU off line while the JBOD emulation controller is on line (see paragraph 0019, which discloses “Disc drive 106 can preferably be removed without disturbing the operation of subsystem 100”; therefore, when the disc drive does off line, since the interface is part of it, it will also goes off line).

4. As per **claims 2, 9, 84, and 93**, Bicknell discloses “The computer system of claim 1” [See rejection to claim 1 above] wherein the point-to-point serial-signal interconnect is a Serial ATA IO device interconnect (see **fig.6 and paragraph 0019**).

5. As per **claims 4 and 12**, Bicknell discloses wherein said external JBOD emulation controller comprises: a central processing circuitry (**micro-computer 222 of fig. 8**) for performing IO operations in response to said IO requests of said host entity (see **paragraph 0028**); at least one IO device interconnect controller (**controller 1**) coupled to said central processing circuitry (see **fig. 8**); at least one host-side IO device interconnect port (**the host computer connector of fig. 6**) provided in a said at least one IO device interconnect controller for coupling to said host entity (see **paragraph 0017**); and at least one device-side IO device interconnect port (**interface 200 of fig. 8**) provided in a said at least one IO device interconnect controller for coupling to a said at least one physical storage device (see **paragraph 0026**).

6. As per **claim 5**, Bicknell discloses wherein said LMU are presented redundantly to the host entity on more than one host-side IO device interconnect port (**see paragraph 0019, which disclose a redundancy system**).

7. As per **claim 6**, Bicknell further discloses, comprises a second external JBOD emulation controller (**controller 2 of fig. 6**) coupled to the host entity for emulating IO operations in response to the IO requests (**see fig. 6 and paragraph 0029**), wherein said external JBOD emulation controller and said second external JBOD emulation controller are configured into a redundant pair (**see paragraph 0019**), and said LMU is allowed to be brought on line or taken off line while the JBOD emulation controller is on line (**see paragraph 0019, which discloses “Disc drive 106 can preferably be removed without disturbing the operation of subsystem 100”; therefore, when the disc drive does off line, since the interface is part of it, it will also goes off line**).

8. As per **claim 7**, Bicknell discloses wherein said LMU can be redundantly presented to the host by both of said external JBOD emulation controllers (**see paragraph 0037**).

9. As per **claims 13, 86, and 89**, Bicknell further discloses, comprises auto-on-lining mechanism to automatically bring on line a said LMU which was previously off-line once a requisite quorum of said PSDs comes on-line (**see paragraph 0030**).

Art Unit: 2181

11. As per **claims 14, 87, and 90**, Bicknell further discloses, comprises auto-off-lining mechanism to automatically take off line a said LMU which was previously on-line once a requisite quorum of said PSDs becomes off-line (**see paragraph 0019, which discloses “Disc drive 106 can preferably be removed without disturbing the operation of subsystem 100”; therefore, when the disc drive does off line, since the interface is part of it, it will also goes off line).**

12. As per **claim 15**, Bicknell further discloses, comprises determining mechanism for automatically determining when a PSD has been removed or when one has been inserted (**see paragraph 0019**).

13. As per **claim 16**, Bicknell further discloses, comprising scanning-in mechanism to automatically scan in PSDs on detection of insertion of the PSD (**see paragraph 003, which discloses noticing a connection, which is a form of scanning**).

14. As per **claim 17**, Bicknell further discloses, comprising informing mechanism for informing the host entity when the mapping of said LMUs to host-side interconnect LUNs has changed (**see paragraph 0017, which disclose changed of mapping**).

15. As per **claim 24**, Bicknell discloses wherein a first and a second of said at least one JBOD emulation controller are configured into a redundant pair, whereby when the first JBOD

Art Unit: 2181

emulation controller goes off line or is taken off line, the second JBOD emulation controller will take over the functionality of the first JBOD emulation controller (see paragraph 0017).

16. As per **claim 25**, Bicknell discloses wherein a host-side port of said first JBOD emulation controller and a host-side port of said second JBOD emulation controller are configured into a complementary port pair (see paragraph 0017).

17. As per **claim 26**, Bicknell discloses wherein said complementary port pair are interconnected onto a same host-side IO device interconnect (see fig. 6, which discloses one host computer)

18. As per **claim 27**, Bicknell discloses wherein said complementary port pair are interconnected together with switch circuitry (see midplane card 112 of fig. 6).

19. As per **claim 28**, Bicknell discloses wherein each port of said complementary port pair is interconnected onto a different host-side IO device interconnect (see fig. 6).

20. As per **claim 29**, Bicknell discloses wherein a said LMU is presented to the host entity through both said first and said second JBOD emulation controllers (see fig. 6).

Art Unit: 2181

21. As per **claim 31**, Bicknell discloses wherein said LMU are presented redundantly to the host entity on more than one host-side IO device interconnect port (see **fig. 6 and paragraph 0037**).

22. As per **claim 32**, Bicknell further discloses wherein comprising an enclosure management services (EMS) mechanism [(MUX 208 of **fig. 8**), in regards to an “enclosure management service”, the applicant discloses “*Yet another feature of a JBOD subsystem is enclosure management services (EMS). This is an intelligent circuitry that monitors status of various enclosure devices, such as power supplies, fans, temperatures, etc.* Similarly, Bicknell discloses “The multiplexing electronics selectively opens and closes the first and second data communication paths in response to at least one control signal (such as 218 or 220) ”see paragraph 0037. The electronics connection, as discloses, is power supplies].

23. As per **claim 33**, Bicknell discloses wherein said EMS mechanism is of a direct-connect EMS configuration (see **fig. 8**).

24. As per **claim 34**, Bicknell discloses wherein said EMS mechanism is of a device-forward EMS configuration (see **fig. 8**).

25. As per **claim 35**, Bicknell discloses wherein said EMS mechanism implements both direct-connect and device-forward EMS configurations (see **fig. 8**).

Art Unit: 2181

26. As per **claim 38**, Bicknell discloses wherein at least one said host-side IO device interconnect port is Fibre Channel supporting point-to-point connectivity in target mode (see paragraph 0030 and fig. 6).

27. As per **claim 39 and 91**, Bicknell discloses wherein at least one said host-side IO device interconnect port is Fibre Channel supporting public loop connectivity in target mode (see paragraph 0032 and fig. 6).

28. As per **claim 40**, Bicknell discloses wherein at least one said host-side IO device interconnect port is Fibre Channel supporting private loop connectivity in target mode (see paragraph 0030 and fig. 6).

29. As per **claim 44**, Bicknell discloses wherein at least one said host-side IO device interconnect port is Serial ATA operating in target mode (see paragraph 0019).

30. As per **claims 83, 88, and 92**, Bicknell discloses "A method (**system 100 of fig. 6**) for performing JBOD emulation in a computer system having at least one external JBOD emulation controller (**controller 1 of fig. 6**) (see paragraph 0017 for emulation) and a set of at least one physical storage device (**Disc drive 106.1 of fig. 6**) connected to the JBOD emulation controller (see fig. 6), the method comprising: defining at least one logical media unit (LMU) (**the data interface 144 of fig. 6**) comprising sections of said set of at least one of the physical storage device (see fig. 3 or 6, which discloses the interface as part of the disc drives) by the JBOD

Art Unit: 2181

emulation controller; receiving and parsing IO requests from a host entity by the JBOD emulation controller to perform an IO operation to access the LMU by accessing said set of at least one of the physical storage device through at least one device-side IO device interconnect port in point-to-point serial signal transmission (see **fig. 6 and paragraph 0019**); and, while the JBOD emulation controller is on line, bringing on line a said at least one logical media unit which is not on line or taking off line a said at least one logical media unit which is on line (see **paragraph 0019, which discloses “Disc drive 106 can preferably be removed without disturbing the operation of subsystem 100”; therefore, when the disc drive does off line, since the interface is part of it, it will also goes off line**).

Claim Rejections - 35 USC § 103

31. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

32. **Claims 3, 10, 36, 41, 43, 85, and 94**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bicknell et al. (US pub. 2003/0193776) in view of Rabinovitz et al. (US pat. 6,483,107).

33. As per **claims 3, 10, 41, 43, 85, and 94**, Bicknell discloses “The computer system of claim 1,” [See rejection to claim 1 above], including wherein the point-to-point serial-signal

Art Unit: 2181

interconnect is a Serial-Attached (SAS) IO device interconnect (see paragraph 0030), but fails to disclose expressly a SCSI.

Rabinovitz discloses a SCSI in a storage virtualization subsystem (col. 16, line 49).

Bicknell et al. (US pub. 2003/0193776) and Rabinovitz et al. (US pat. 6,483,107) are analogous art because they are from the same field of endeavor of peripheral storage devices.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify a disc storage subsystem that allows continued access to data stored in its Advanced Technology Architecture (ATA) disc drives in the event of a controller failure as described by Bicknell and a canister and a casing of a computer peripheral enclosure as taught by Rabinovitz.

The motivation for doing so would have been because Rabinovitz teaches that a SCSI allows more connecting storage devices (see col. 16, lines 43-54).

Therefore, it would have been obvious to combine Rabinovitz et al. (US pat. 6,483,107) with Bicknell et al. (US pub. 2003/0193776) for the benefit of creating the storage virtualization subsystem to obtain the invention as specified in claims 3, 10, 41, 43, 85, and 94.

34. As per **claim 36**, Bicknell discloses “The JBOD subsystem of claim 32,” [See rejection to claim 32 above], including the enclosure management services mechanism (MUX 208 of fig. 8), but fails to disclose expressly wherein said enclosure management services mechanism is configured to support SES enclosure management services protocol.

Rabinovitz discloses a SES in a storage virtualization subsystem (col. 17, line 23).

Art Unit: 2181

Bicknell et al. (US pub. 2003/0193776) and Rabinovitz et al. (US pat. 6,483,107) are analogous art because they are from the same field of endeavor of peripheral storage devices.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify a disc storage subsystem that allows continued access to data stored in its Advanced Technology Architecture (ATA) disc drives in the event of a controller failure as described by Bicknell and a canister and a casing of a computer peripheral enclosure as taught by Rabinovitz.

The motivation for doing so would have been because Rabinovitz teaches that a SES allow a user to monitor the enclosure from a remote location (see col. 17, lines 29-31).

Therefore, it would have been obvious to combine Rabinovitz et al. (US pat. 6,483,107) with Bicknell et al. (US pub. 2003/0193776) for the benefit of creating the storage virtualization subsystem to obtain the invention as specified in claims 36.

35. As per **claim 37**, the combination of Bicknell and Rabinovitz discloses "The JBOD subsystem of claim 32," [See rejection to claim 32 above] Bicknell discloses the enclosure management services mechanism, and Rabinovitz further discloses the SAF-TE, (see col. 17, line 29).

36. **Claims 18-23 and 30**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bicknell et al. (US pub. 2003/0193776) in view of Watanable (US pub. 2004/0260873).

Art Unit: 2181

37. As per **claim 18**, Bicknell discloses “The JBOD subsystem of one of claims 8 through 10,” [See rejection to claim 8 above], including a plurality of physical storage devices (see fig. 6), but fails to disclose expressly comprising unique ID determination mechanism to uniquely identify said PSDs independent of their location in which they are installed in the JBOD subsystem.

Watanable discloses comprising unique ID determination mechanism to uniquely identify said PSDs independent of their location in which they are installed in the JBOD subsystem (see paragraph 0114).

Bicknell et al. (US pub. 2003/0193776) and Watanable (US pub. 2004/0260873) are analogous art because they are from the same field of endeavor of data transfer from a host to multiple storage devices.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify a disc storage subsystem that allows continued access to data stored in its Advanced Technology Architecture (ATA) disc drives in the event of a controller failure as described by Bicknell and a system and method invention to enable primary storage data or secondary storage data to be replicated such that a loss of primary or secondary data due to a concurrent or other system error might be avoided as taught by Watanable.

The motivation for doing so would have been because Watanable teaches that ”**Management of the storage system on a per system group basis facilitates management as compared with per volume management, and further facilitates scripting of storage system management functions**” (see paragraph 0115).

Therefore, it would have been obvious to combine Watanable (US pub. 2004/0260873) with Bicknell et al. (US pub. 2003/0193776) for the benefit of creating the computer system to obtain the invention as specified in claim 18.

38. As per **claim 19**, the combination of Bicknell and Watanable discloses “The JBOD subsystem of claim 18,” [See rejection to claim 18 above] Watanable further discloses wherein information used to uniquely identify each of said PSDs is stored on the PSD (see paragraph 0114).

39. As per **claim 20**, the combination of Bicknell and Watanable discloses “The JBOD subsystem of claim 8,” [See rejection to claim 8 above] Watanable further discloses wherein LMU identification and configuration information is stored on the member PSDs that compose the LMU (see paragraph 0114).

40. As per **claims 21 and 30**, the combination of Bicknell and Watanable discloses “The JBOD subsystem of claim 20,” [See rejection to claim 20 above] Watanable further wherein LMU identification information presented to the host entity is generated from said LMU identification information stored on the member PSDs that compose the LMU (see paragraph 0114).

41. As per **claim 22**, the combination of Bicknell and Watanable discloses “The JBOD subsystem of claim 8,” [See rejection to claim 8 above] Watanable further discloses wherein

Art Unit: 2181

LMU identification information presented to the host entity is generated from information stored in a non-volatile memory in the JBOD emulation controller (see paragraphs 0065 and 0114).

42. As per **claim 23**, the combination of Bicknell and Watanable discloses “The JBOD subsystem of claim 8,” [See rejection to claim 8 above] Watanable further discloses wherein LMU identification information presented to the host entity is generated as follows: from information stored in a non-volatile memory in the JBOD subsystem prior to being able to obtain LMU identification information off of the member PSDs and from LMU identification information stored on the member PSDs that compose the LMU after the member PSDs become accessible (see paragraph 0094, which discloses the assignment of the Ids to the storage device. See also paragraphs 0065 and 0114).

43. **Claim 42**, is rejected under 35 U.S.C. 103(a) as being unpatentable over Bicknell et al. (US pub. 2003/0193776) in view of Colton (US pub. 2005/0089027).

44. As per **claim 42**, Bicknell discloses “The computer system of claim 9,” [See rejection to claim 9 above], including at least one said host-side IO device interconnect port (see fig. 6), but fails to disclose expressly wherein at least one said host-side IO device interconnect port is ethernet supporting the iSCSI protocol operating in target mode.

Colton discloses ethernet supporting the iSCSI protocol operating in target mode (see fig. 11 and paragraph 1487, which discloses internet SCSI in an Ethernet network).

Art Unit: 2181

Bicknell et al. (US pub. 2003/0193776) and Colton (US pub. 2005/0089027) are analogous art because they are from the same field of endeavor of data transfer.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify a disc storage subsystem that allows continued access to data stored in its Advanced Technology Architecture (ATA) disc drives in the event of a controller failure as described by Bicknell and a system and method for transferring data optically via an intelligent optical switching network as taught by Colton.

The motivation for doing so would have been because Colton teaches that **"The Sun server(s) running Oracle should have a minimum of 2 high-speed SCSI disk drives to ensure adequate performance"** (see paragraph 1487).

Therefore, it would have been obvious to combine Colton (US pub. 2005/0089027) with Bicknell et al. (US pub. 2003/0193776) for the benefit of creating the computer system to obtain the invention as specified in claim 42.

VI. RELEVANT ART CITED BY THE EXAMINER

1. The following prior art made of record and not relied upon is cited to establish the level of skill in the applicant's art and those arts considered reasonably pertinent to applicant's disclosure. See **MPEP 707.05(c)**.
2. The following reference teaches an external JBOD emulation controller coupled to a host peripheral storage devices

U.S. PATENT NUMBER

US 2003/0033477

Art Unit: 2181

US 2005/0223269

US 2005/0204078

US 2005/0160319

US 2005/0120170

US 2004/0210584

US 2004/0143694

US 7,065,661

VII. CLOSING COMMENTS

Conclusion

a. STATUS OF CLAIMS IN THE APPLICATION

3. The following is a summary of the treatment and status of all claims in the application as recommended by M.P.E.P. 707.07(i):

a(1) CLAIMS REJECTED IN THE APPLICATION

4. Per the instant office action, claims 1-44, and 83-94 have received a first action on the merits and are subject of a first action non-final.

b. DIRECTION OF FUTURE CORRESPONDENCES

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernest Unelus whose telephone number is (571) 272-8596. The examiner can normally be reached on Monday to Friday 9:00 AM to 5:00 PM.

IMPORTANT NOTE

6. If attempts to reach the above noted Examiner by telephone are unsuccessful,

Art Unit: 2181

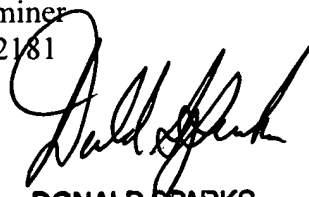
the Examiner's supervisor, Mr. Donald Sparks, can be reached at the following

telephone number: Area Code (571) 272-4201.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PMR system, see [her//pair-direct.uspto.gov](http://pair-direct.uspto.gov). Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217- 91 97 (toll-free).

April 10, 2007

Ernest Unelus
Patent Examiner
Art Unit 2181

A handwritten signature in black ink, appearing to read 'Donald Sparks', is written over the printed name and title.

DONALD SPARKS
SUPERVISORY PATENT EXAMINER